

TO: Lisa Duffner, Board Secretary
Atlantic County Utilities Authority

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting - March 16, 2023

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A 40:41A-37 et seq. on March 16, 2023


- (a) by the end of the fifth business day following the meeting.
- (b) as soon as practicable following the meeting where emergency action has been taken.
- (c) beyond the statutory period for submission.


II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of County Commissioners, on the date set forth above, which is

- (a) within ten days of delivery.
- (b) within twenty-four (24) hours of delivery where the action at the meeting was deemed by the Authority to be in response to an emergency situation.

III. The following action is taken on the Minutes:

- (a) Approved in all respects.
- (b) Vetoed in all respects. A written explanation of the reasons for the veto is attached.
- (c) Approved in part and vetoed in part.
The specific items which are vetoed and a written explanation of the reasons for the veto or vetoes is attached.


Dennis Levinson
Atlantic County Executive

for 
James F. Ferguson, Esquire
Approved as to Form and Entry

Date:

cc: Tara Silipena, Clerk to the Atlantic County Board of County Commissioners

ATTACHMENTS: Minutes
 Veto Message

ATLANTIC COUNTY UTILITIES AUTHORITY
March 16, 2023 – 3:00 PM
6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

Marvin Embry	Chair
Fred Akers	Member
John Lyons	Member - Zoom
Laura Pfrommer	Member
Maria Mento	Member - Zoom
Richard Dovey	President
Gary Conover	Vice President of Solid Waste
Joseph Pantalone	Vice President Wastewater
Linda Bazemore	Vice President of Administration & Finance/CFO/Acting Board Secretary
Matthew DeNafo	Vice President of Centralized Maintenance & Asset Management
Thomas Ganard	Chief Engineer
John Conover	Deputy Chief Engineer - Zoom
Katherine Vesey	Director of Finance
Herminio Roque	Senior Computer Analyst - Zoom
Lisa Duffner	Executive Assistant/Board Secretary

ALSO PRESENT

Keith Davis, Esq.	Nehmad, Davis & Goldstein
Stephanie E. Farrell, Esq.	Nehmad, Davis & Goldstein - Zoom
Alysia Remaley	County Counsel - Zoom
Bob Allison, CPA	Partner, Holman Frenia Allison, P.C.
Evan Jensen, CPA	Senior Manager, Holman Frenia Allison, P.C.
Eric Keys	Zoom

Vice-Chairman Akers called the meeting to order at 3:00 p.m. and announced that the notice of the 2023-2024 Meeting Schedule was mailed to the Atlantic City Press, The Daily Journal, the Clerk of Atlantic County, and the Clerk of The Atlantic County Board of Commissioners on February 17, 2023, in compliance with the Open Public Meetings Act, NJSA 10:4-6, *et seq.* and it was posted on the bulletin board of the Atlantic County Utilities Authority in the administration building and Notice of Live Streaming of this meeting was mailed to the Atlantic City Press, The Daily Journal, The Clerk of Atlantic County, and The Clerk of The Atlantic County Board of Commissioners on February 27, 2023, and both notices were posted on the bulletin board of the Atlantic County Utilities Authority in the administration building.

Flag Salute

Roll call was taken by Lisa Duffner which reflected a quorum was present.

Chairman Embry	present
Fred Akers	present
Andrew Berenato	absent
John Lyons	present - Zoom
Judy Ward	absent
Laura Pfrommer	present
Maria Mento	present - Zoom

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON FEBRUARY 16, 2023 – voted on and approved by Chairman Embry, Mr. Akers, Mr. Lyons, and Mrs. Pfrommer. Ms. Mento recused herself from the vote.

BOARD COMMITTEE REPORTS:

Treasurer's Report - None.

Personnel - None.

Finance/Audit - None.

Engineering - Mr. Lyons thanked the Engineering Department for providing him with their report. He said there is a situation to get the heat/air-conditioning resolved at the GEO Building.

Centralized Maintenance & Asset Management - None.

Solid Waste/Recycling - Mr. Akers stated that since people may have some concern about what will happen when the landfill is full, he would like to make a report. He then handed out copies of his response to Atlantic County Resolution 731, which he presented to the Atlantic County Board of Commissioners on 12/19/21. (Copy attached.) Mr. Akers pointed out that the ACUA has a 63,000 square-foot transfer station, which they have had since 1990. It is a state-of-the-art transfer station, which works every day. It transfers waste from the transfer station up to the landfill. Since he has been on the Board, the transfer station has been well maintained; the floor was replaced, and some structural repairs were done. He went on to say that once the landfill is full, the transfer station will transfer solid waste to another location, as it did before the landfill was built. Mr. Akers continued stating that one of the items that overburden communities is diesel exhaust from trucks, but the ACUA is ahead of its time because they recognized that issue early on and moved to CNG trucks and electric vehicles, which reduces emissions here at the plant and also when the ACUA goes to collect trash from towns. He added that the ACUA's trucks are much cleaner than the private sectors.

Wastewater/Sludge - None.

PUBLIC AND BOARD COMMENTS ON AGENDA ITEMS: None.

PRESENTATION OF 2021 AUDIT REPORT: Bob Allison, CPA, and Evan Jensen, CPA, from Holman Frenia Allison, made a presentation regarding the ACUA's 2021 Audit. They stated that the ACUA's financial statements were prepared in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards and present fairly, in all material respects, the financial position of the ACUA's 2021 Audit. There were no findings or recommendations noted.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 23-3-107: Accepting the 2021 Audit.

Chairman Embry thanked Linda Bazemore, Katie Vesey, and the ACUA's Finance Department for their excellent work on the 2021 Audit. He added that 2021 was a very challenging year for many organizations, but the ACUA still managed to have a great audit. He also commented that the ACUA did not receive any COVID funds from the Federal Government like some organizations had.

Ms. Mento stated that it takes a lot of checks and balances to receive a phenomenal audit report like this, and she congratulated and thanked everyone who worked on it. She asked how many years it has been that the ACUA has been without any recommendations, and Mr. Dovey replied that it has been 35 years. He added that the Audit Report being presented at today's meeting is the first COVID year (2021), and there were significant economic, operational, and personnel challenges that year.

Ms. Pfrommer stated to get this kind of phenomenal audit report -- and for many years in a row without any recommendations -- it means the policies and procedures are in place, and the ACUA follows them. She thanked all that were involved in working on the 2021 Audit Report.

Resolution 23-3-108: Authorizing payment of certain expenditures: \$4,732,324.19.

Ms. Mento recused herself from the vote.

PUBLIC AND BOARD COMMENTS: None.

The meeting was adjourned at 3:58 p.m.

Respectfully submitted,


Lisa Duffner, Board Secretary

December 19, 2021

To: Atlantic County Commissioners (Sent Via Email)

Commissioner Maureen Kern, Chairwoman
Commissioner John Risley, Vice-Chairman
Commissioner Frank Balles
Commissioner James Bertino
Commissioner Ernest Coursey
Commissioner Richard Dase
Commissioner Caren Fitzpatrick
Commissioner Amy Gato
Commissioner Andrew Parker

CC: (Sent Via Email)

Dennis Levinson, County Executive
Jerry DelRosso, County Administrator

Fred Akers
P.O. Box 395
Newtonville, NJ 08346

RE: Resolution 731

Dear Atlantic County Commissioners:

I am writing to help inform your decision regarding Resolution 731, a "Resolution in Support of the Development of a Transfer Station in the City of Pleasantville".

In considering Resolution 731, you should be aware that on 9/18/20, New Jersey adopted the Nation's strongest measure to protect Overburdened Communities from Pollutants (S232).

https://www.nj.gov/governor/news/news/562020_20200918a.shtml

In response to the NJ Environmental Justice Law, NJDEP identified and mapped 87 Census Tracts in 13 Municipalities in Atlantic County as Overburdened Communities. (See Maps 1 & 2). <https://www.nj.gov/dep/ej/communities.html>

Since all 12 Census Tracts in Pleasantville City and the adjacent Census Tracts in Egg Harbor Township have been identified as low income and minority overburdened communities, it is evident that the "Development of a Transfer Station in the City of Pleasantville" would be in an already overburdened community and subject to the new environmental justice rules.

This new Environmental Justice Law also requires NJDEP to evaluate the environmental and public health impacts specifically of any "transfer station or other solid waste facility, or

recycling facility intending to receive at least 100 tons of recyclable material per day”.

<https://www.nj.gov/dep/ej/docs/ej-law.pdf>

There is a long list of requirements in Chapter 92 under C.13:1D-160 “Requirements for permit applicants”. <https://www.nj.gov/dep/ej/docs/ej-law.pdf> In addition to extended public hearings and transparency requirements, it is also required that the applicant “Prepares an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, including any adverse environmental or public health stressors that cannot be avoided if the permit is granted, and the environmental or public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community”; and that the applicant “Transmits the environmental justice impact statement required to be prepared pursuant to paragraph (1) of this subsection, at least 60 days in advance of the public hearing required pursuant to paragraph (3) of this subsection, to the department and to the governing body and the clerk of the municipality in which the overburdened community is located. Upon receipt, the department shall publish the environmental justice impact statement on its Internet website”.

It is also evident that Atlantic County already owns and operates a Transfer Station 1.6 miles away from the proposed Transfer Station in Pleasantville. (See Map 3)

The ACUA Haneman Environmental Park is a 360 acre facility with a transfer station that is 1,900 feet away from any public roads, and at least 1,000 feet away from adjacent properties, making it very safe in terms of pedestrian and public vehicle interactions.

To address and reduce air pollution in the area, the ACUA has transitioned long ago from diesel and gas vehicles to compressed natural gas (CNG), hybrid and electrical vehicles, and built a CNG station at the Environmental Park to fuel ACUA's growing number of CNG collection vehicles and other area fleets.

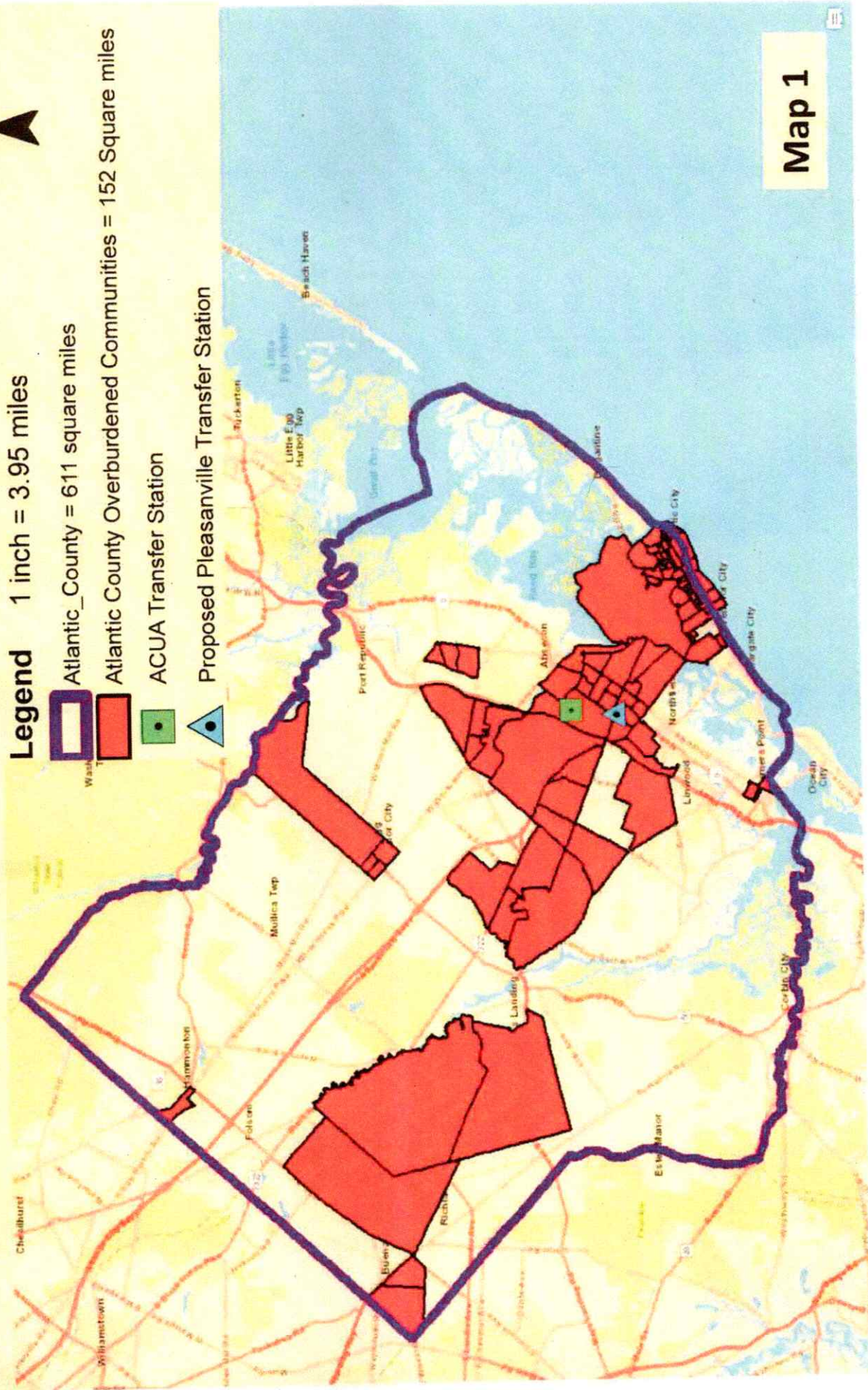
Given the new environmental justice law that would focus on the adverse impacts and negative criteria of developing a new transfer station in already overburdened communities in Pleasantville City and Egg Harbor Township, and the fact that a state of the art, Atlantic County owned transfer station already exists less than 2 miles away, the Atlantic County Board of Commissioners should give these factors consideration in their Resolution 731 “in Support of the Development of a Transfer Station in the City of Pleasantville”.

Respectfully,



Fred Akers

Atlantic County Overburdened Communities under the New Jersey Environmental Justice Law cover 25% of Atlantic County.

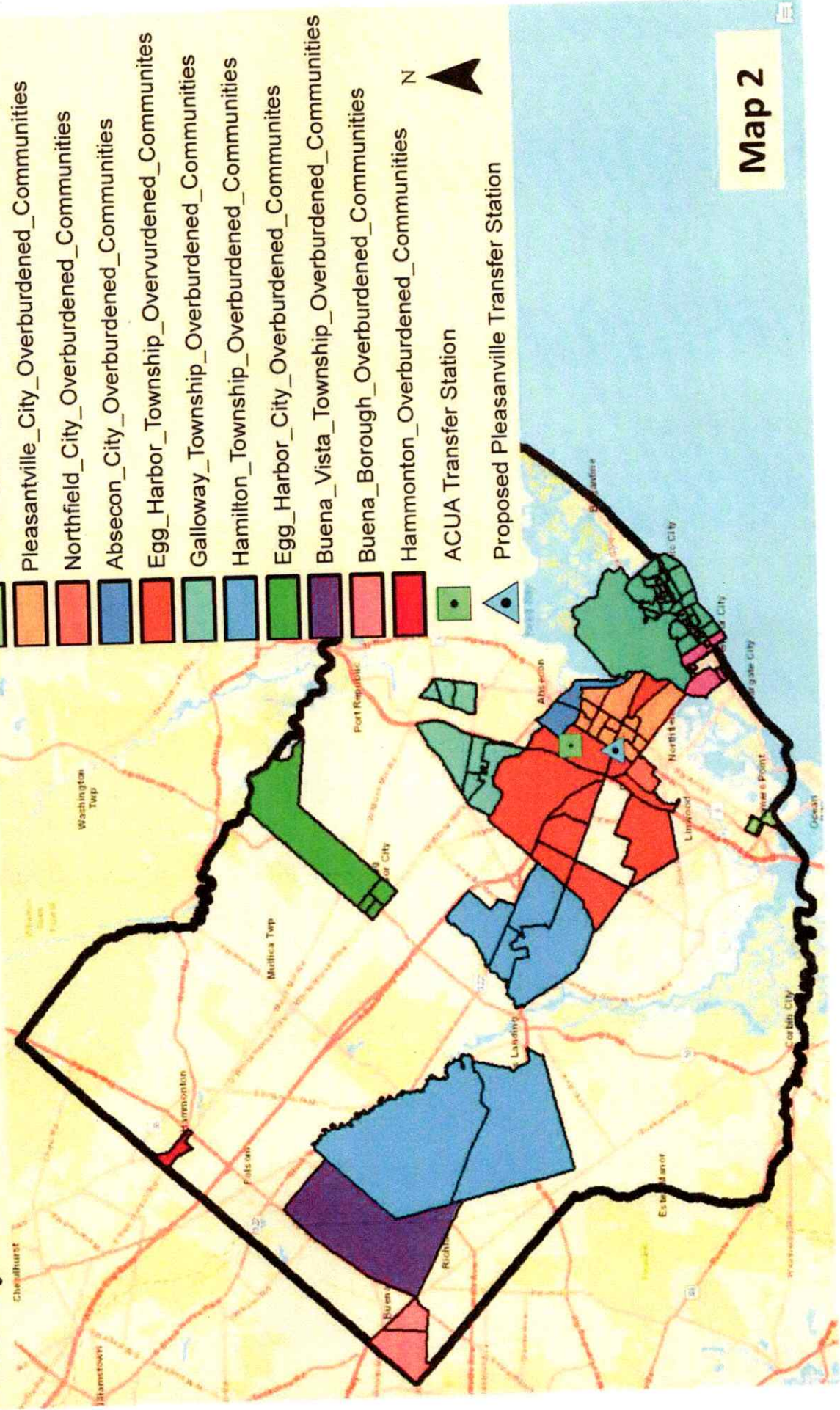


NJDEP identified and mapped 87 Census Tracts in 13 Municipalities in Atlantic County as Overburdened Communities

Legend 1 inch = 3.95 miles

- Atlantic_City_Overburdened_Communities
- Ventnor_City_Overburdened_Communities
- Somers_Point_Overburdened_Communities
- Pleasantville_City_Overburdened_Communities
- Northfield_City_Overburdened_Communities
- Absecon_City_Overburdened_Communities
- Egg_Harbor_Township_Overburdened_Communities
- Galloway_Township_Overburdened_Communities
- Hamilton_Township_Overburdened_Communities
- Egg_Harbor_City_Overburdened_Communities
- Buena_Vista_Township_Overburdened_Communities
- Buena_Borough_Overburdened_Communities
- Hammonton_Overburdened_Communities

ACUA Transfer Station
 Proposed Pleasantville Transfer Station



Map 2

The Proposed Transfer Station in Pleasantville is 1.6 miles from the ACUA Transfer Station in Egg Harbor Twp.

Legend 1 inch = 1.5 miles

